D.B. CIVIL SPECIAL APPEAL(W)NO.301/2007

Adarsh Vidyapeeth Samiti and anr.
Vs.
Board of Secondary Education and Ors.

DATE OF ORDER :: 09-03-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Rajat Ranjan, for the appellant.

This appeal is directed against the order of the learned Single Judge summarily dismissing the writ petition of the appellant observing that no interference was called for.

The dispute relates to fixing of centre for the secondary school examination commencing from 15.3.2007. Grievance of the appellant which is a school at Lalsot in the district of Dausa is that the examination centre has been fixed at Rahuwas at a distance 22-23 kms. away from Lalsot. It is said that school is running for last 30 years and the examination was always held at Lalsot itself, except in 2006 when the centre was fixed at Rahuwas which caused greater inconvenience and hardships to the students. On 30.6.2006, the Board asked the schools including the appellant school as to whether they wanted any change of the examination centre. The appellant objected to the centre at Rahuwas. Disregarding

its objection, the centre has been fixed again at Rahuwas. It is said that Rahuwas is situated in the interior of the main road and there is no direct communication between Lalsot and Rahuwas.

After hearing counsel for the appellant, we were prima faice satisfied that it is not in the interest of students of the appellant school to take the examination at Rahuwas considering the inconveniences involved in travel, and accordingly requested Shri Arun Chaturvedi counsel for the Board to assist the Court.

On behalf of the appellant it was stated that space is available in Sanskrit Mahavidyalaya and Janata Acedemy at Lalsot where the examinee students of the school can be adjusted. Without giving opportunity to the respondents to file formal reply, we did not want to pass positive order but in the facts and circumstances of the case, having regard to the paucity of time intervening, we are of the view that postponement of hearing would not be in the interest of the students and we accordingly direct the District Education Officer, Dausa to identify a suitable place at Lalsot or nearby in consultation with the Board where the students of the appellant school can take the examination. We also direct the Collector, Dausa to provide necessary facilities, like furniture, services of invigilator etc., if need be, to facilitate the conduct of the examination at said centre.

After the above order was passed, counsel for the parties agreed that the appeal may be treated as disposed of.

The appeal stands disposed of.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen